IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO.59 OF 2007
IN
WRIT PETITION NO.1017 OF 2007

M/s.Scitech Centre .....Petitioner

Vs.

The State of Maharashtra & Ors..Respondents

Mr. H.M. Jagtiani, Senior Advocate with Ms.Vandana S.Mehta, Yashpal M. Jain and Anil P.D'Souza i/b. Haresh Jagtiani & Associates for the petitioners
Mr. D.A. Nalawade, Government Pleader for respondent Nos.1 to 3.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED : 6TH DECEMBER 2007

P.C.

. On 7th August, 2007 we had directed the petitioners to deposit a sum of Rs.47,11,500/- towards transfer fees. This was the amount calculated by the Petitioners.

2. The learned Counsel for the Petitioner now draws our attention to the communication dated 6th February, 2007 addressed by the District Collector, Mumbai City to the Petitioner. In that communication the demand is made at the rate of Rs.1,500/- per sq.ft. on carpet area. Learned Counsel points out that inadvertently instead of working out the amount on carpet area they worked out the amount based on built up area. To that extent the order dated 7th August, 2007 should be reviewed.

3. On the other hand on behalf of the Respondent learned

Counsel submits that in respect of other matters this Court has passed orders based on built up area and consequently the order does not suffer from any error apparent and the Review Application is liable to be rejected.

4. We have heard the learned Counsel. This Court could not have directed the petitioners to deposit a greater amount than what was demanded by the Respondent. The demand by the respondent was at the rate of Rs.1,500/- per sq.ft. on carpet area. If the petitioners have worked out the sum at Rs.47,11,500/- based on built up area that was clearly erroneous. In the light of that para.2 of the order is recalled and substituted by the following order:-

. The petitioners to deposit with the Respondent No.2 the sum as quantified in terms of communication dated 6th February, 2007 of the District Collector, Mumbai City within three weeks from today i.e. 6th December, 2007. Review Application allowed accordingly.

. Learned Counsel for the Respondents seeks stay of the above order. In our opinion there is no case for granting stay. Hence application for stay rejected.

(J.P. DEVADHAR, J.) **(F.I. REBELLO, J)**